



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
SOUTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: January 16, 2002

TIME: 10:00 a.m. – 3:50 p.m.

LOCATION: Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630

BOARD MEMBER

PRESENT: Stanley Goldenberg, Chairperson
John Jones, Board Member
Clarence Hiura, Board Member

STAFF

PRESENT: Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Janice Dang, Pharmacy Inspector
Valerie Sakamura, Pharmacy Inspector
Robert Venegas, Pharmacy Inspector
Valerie L. Knight, Pharmacy Inspector
Sarah Lopez, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

ALSO

PRESENT: Rolland Hammerness, RPH, PIC, President
David George Facer, RPH
Nicholas Angelo Stasinis, RPH, PIC
Randy Douglas Bohart, RPH, PIC, Owner
Rodney Dyson Sanders, RPH, PIC
Cecilia T. Nakajima, RPH, former PIC
Zenaida G. Almenario, RPH
Douglas Statler, Division Pharmacy Manager

Southern Compliance Committee

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Helen Yu-Chi Maston, RPH, PIC
Kevin Corkern, Pharmacy Regional Manager
Patrick B. Renters, Pharmacy District Manager
Bruce Painter, Director of Professional Services
Wanda Rachel Lewis, RPH, PIC
Ken Eng, RPH, former PIC
Tami Michiko Watanabe, RPH
Paul Knerr, Director of Pharmacy
Peter Shawn Toomey, RPH, PIC
Edward Alan Meinardus, RPH

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 10:11 a.m.

A. APPEARANCES REQUIRED

1. Rolland Hammerness CI 2000 20267
RPH 23962, PIC, President

David George Facer
RPH 35305

Park Boulevard Pharmacy
San Diego, CA
PHY 40641

Rolland Hammerness, David George Facer, and Park Boulevard Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Park Boulevard Pharmacy dispensed an AeroChamber with mask on a prescription calling for an AeroChamber with Flowsignal. In addition the pharmacy could not retrieve the original prescription documents when requested by board inspector.

On December 5, 2001, letters of violation were issued to Rolland Hammerness, David George Facer, and Park Boulevard Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4059 (a) – Furnishing dangerous drugs or devices prohibited.

- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1717 (f) – A pharmacist may transfer a prescription for Schedule III, IV, or V controlled substances to another pharmacy.
- Business and Professions Code section 4081 – Records of dangerous drugs and devices kept open for inspection.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Hiura/Goldenberg

The committee accepted the appearance of Rolland Hammerness, David George Facer, and Park Boulevard Pharmacy, (a) the matter will be made a part of the record of Rolland Hammerness, RPH 23962; (b) the matter will be made a part of the record of David George Facer, RPH 35305; (c) the matter will be made a part of the record of Park Boulevard Pharmacy, PHY 40641. No further action will be taken at this time.

2. Nicholas Angelo Stasinis
RPH 44876, PIC

CI 2000 21053

Raouf R. Khalil
President

Professional Home Health Services
Thousand Oaks, CA
PHY 40405

Nicholas Angelo Stasinis, and Professional Home Health Services, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Professional Home Health Services dispensed a total parenteral nutrition (TPN) containing 22 times as much calcium as prescribed. This error resulted in severe harm to the patient.

On September 6, 2001, a letter of violation was issued Nicholas Angelo Stasinis, and Professional Home Health Services, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

Raouf R. Khalil failed to appear at this meeting of the Southern Compliance Committee meeting.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Hiura/Goldenberg

The committee accepted the appearance of Nicholas Angelo Stasinis, and Professional Home Health Services; (a) the matter will be made a part of the record of Nicholas Angelo Stasinis, RPH 44876; (b) the matter will be made a part of the record of Professional Home Health Services, PHY 40405; (c) A follow up inspection is ordered within 90 days to ensure compliance with all pharmacy laws and quality assurance regulations. No further action will be taken at this time.

3. Randy Douglas Bohart
RPH 31070, PIC, Owner

CI 2000 19656

R D Bohart Pharmacy
Irvine, CA
PHY 43383

Randy Douglas Bohart and R D Bohart Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Randy Douglas Bohart was wholesaling without a permit from the board. Randy Douglas Bohart failed to provide records, fraudulently purchased and used drugs sold to a physician to obtain preferential pricing. In addition Randy Douglas Bohart did not have the pharmacy name on the labels used by the pharmacy, nor did the name on the labels match the name on the pharmacy permit.

On June 8, 2001, a violation notice was issued to Randy Douglas Bohart, and R D Bohart Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4160 – Wholesale license required.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.

- Business and Professions Code section 4301 (f) - The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- Business and Professions Code section 4110 (a) - No person shall conduct a pharmacy in the State of California unless he or she has obtained a license from the board.
- Business and Professions Code section 4076 (a) -11153 - Responsibility for legitimacy of prescription; corresponding responsibility of pharmacist; knowing violation.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Randy Douglas Bohart and R D Bohart Pharmacy; (a) the matter will be made a part of the record of Randy Douglas Bohart, RPH 31070; (b) the matter will be made a part of the record of R D Bohart Pharmacy, PHY 43383; (c) Mr. Bohart to work with the Supervising Inspectors to make all necessary corrections to bring his pharmacy into compliance within 60 days (f) A follow up inspection is ordered within 60 days to ensure compliance with all pharmacy laws. No further action will be taken at this time.

4. Rodney Dyson Sanders
RPH 31945, PIC

CI 1999 19461

Cecilia T. Nakajima
RPH 48994, former PIC

Zenaida G. Almenario
RPH 36046

Sav-On Drugs #9409
South Gate, CA
PHY 36449

Doug Statler, Division Pharmacy Manager

Rodney Dyson Sanders, Cecilia T. Nakajima, Zenaida G. Almenario, and Sav-On Drugs #9409, were requested to appear at the Southern Compliance meeting as the

result of an investigation that revealed that a prescription error occurred at Sav-On Drugs #9409. The error occurred when Cecilia T. Nakajima dispensed Synthroid meant for one patient to another patient, who was prescribed Phenobarbital. It was alleged that Cecilia Nakajima failed to provide patient consultation as required by law.

On September 6, 2001, letters of violation were issued to Cecilia T. Nakajima, and Sav-On Drugs #9409, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Civil Code section 56.10 – Authorization necessity.
- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.

The committee motioned to rescind the violation of California Code of Regulations section 1707.2 from both Cecilia T. Nakajima and Sav-On Drugs #9409.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Rodney Dyson Sanders, Cecilia T. Nakajima, Zenaida G. Almenario, and Sav-On Drugs #9409; (a) the matter will be made a part of the record of Cecilia T. Nakajima, RPH 48994; (b) the matter will be made a part of the record of Sav-On Drugs #9409, PHY 36449. No further action will be taken at this time.

5. Angelita L. Quindoy
RPH 39327, PIC

CI 2001 21475

Jihan S. Soliven
TCH 25435, Owner

Pharmacy Link Corporation
Orange, CA
PHY 44631

This matter was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled for a future meeting.

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6. John S. Drum
RPH 22299, PIC, Owner

CI 2000 19652

Drum Pharmacy
Westminster, CA
PHY 37396

This matter was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled for a future meeting.

7. Helen Yu-Chi Maston
RPH 51558, PIC

CI 2000 20259

Wal-Mart Pharmacy #10-1756
Fontana, CA
PHY 37913

Kevin Corkern, Pharmacy Regional Manager
Patrick B. Renters, Pharmacy District Manager
Bruce Painter, Director of Professional Services

Helen Yu-Chi Maston, and Wal-Mart Pharmacy #10-1756, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Wal-Mart Pharmacy #10-1756 suffered a loss of controlled substances and dangerous drugs, due to theft by a pharmacy technician employed at the pharmacy. Helen Yu-Chi Maston failed to adequately supervise the technician and also failed to review all inventory invoices.

On June 1, 2001, a violation notice was issued to Helen Yu-Chi Maston, and Wal-Mart Pharmacy #10-1756, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4081 (b) - The owner, officer, & partner of any pharmacy, wholesaler, veterinary food-animal drug, or medical device retailer shall be jointly responsible with the PIC or exemptee for maintaining the records & inventory described in this section.
- California Code of Regulations section 1709.1 – Designation of pharmacist in charge.

- California Code of Regulations section 1718 - Current inventory defined.
- Business and Professions Code section 4115 (a) Notwithstanding any other provision of law, a pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of a pharmacist.
- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
- Business and Professions Code section 4113 (b) - The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
- Business and Professions Code section 4116 (a) – No person other than a pharmacist, and intern pharmacist, an authorized officer of the law, or a person authorized to prescribe shall be permitted in that area, place or premises described in the license issued by the board wherein controlled substances or dangerous drugs or devices are stored, possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Helen Yu-Chi Maston, and Wal-Mart Pharmacy #10-1756; (a) the matter will be made a part of the record Helen Yu-Chi Maston, RPH 51558; (b) the matter will be made a part of the record of Wal-Mart Pharmacy #10-1756, PHY 37913. No further action will be taken at this time.

8. Eva E. Flynn
RPH 33377, PIC

CI 2000 20702.

Wal-Mart Pharmacy #10-2557
Bakersfield, CA
PHY 43781

Kevin Corkern, Pharmacy Regional Manager
Patrick B. Renters, Pharmacy District Manager
Bruce Painter, Director of Professional Services

Eva E. Flynn and Wal-Mart Pharmacy #10-2557, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Eva E. Flynn dispensed Methylprednisolone on a prescription calling for Decadron. The error was a single store event that was the result of a pharmacist data entry error into the pharmacy computer system. In addition Eva E. Flynn failed to provide patient consultation as required by law.

On December 20, letters of violation were issued to Eva E. Flynn and Wal-Mart Pharmacy #10-2557, for violation of:

- Business and Professions Code section 4301 (b)(c)(o) – Unprofessional conduct.
- Business and Professions Code section 4076 (a)(1) - Prescription container requirements for labeling with the correct name of the medication.
- Business and Professions Code section 4077 (a) No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- Business and Professions Code section 4078 (a)(1) - No person shall place a false or misleading label on a prescription.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Eva E. Flynn and Wal-Mart Pharmacy #10-2557; (a) the matter will be made a part of the record of Eva E. Flynn, RPH 33377; (b) the matter will be made a part of the record of Wal-Mart Pharmacy #10-2557, PHY 43781. No further action will be taken at this time.

9. Wanda Rachel Lewis
RPH 47465, PIC

CI 2000 20800

Ken Eng
RPH 35351, former PIC

Tami Michiko Watanabe
RPH 49990

Vons Pharmacy #2250
Granada Hills, CA
PHY 43030

Paul Knerr, Director of Pharmacy

Wanda Rachel Lewis, Ken Eng, Tami Michiko Watanabe, and Vons Pharmacy #2250, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Tami Michiko Watanabe dispensed Amoxicillin on a prescription calling for Augmentin.

On September 10, 2001, letters of violation were issued to Tami Michiko Watanabe and Vons Pharmacy #2250, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Wanda Rachel Lewis, Ken Eng, Tami Michiko Watanabe, and Vons Pharmacy #2250; (a) the matter will be made a part of the record of Tami Michiko Watanabe, RPH 49990; (b) the matter will be made a part of the record of Vons Pharmacy #2250, PHY 43030. No further action will be taken at this time.

10. Peter Shawn Toomey
RPH 41646, PIC

CI 2000 20756

Edward Alan Meinardus
RPH 26272

Vons Pharmacy #2144
Encinitas, CA
PHY 43071

Paul Knerr, Director of Pharmacy

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Peter Shawn Toomey, Edward Alan Meinardus, and Vons Pharmacy #2144, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that a prescription error occurred at Vons Pharmacy #2144. The error occurred when a member of the pharmacy staff at Vons Pharmacy #2144, placed Remeron meant for one patient in a bag and dispensed it to another patient that was at the pharmacy to pick up an Estrace prescription.

On October 11, 2001, letters of violation were issued to Peter Shawn Toomey, and Vons Pharmacy #2144, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Hiura

The committee accepted the appearance of Peter Shawn Toomey, Edward Alan Meinardus, and Vons Pharmacy #2144; (a) the matter will be made a part of the record of Peter Shawn Toomey, RPH 41646; (b) the matter will be made a part of the record of Vons Pharmacy #2144, PHY 43071. No further action will be taken at this time.

There being no further discussion the meeting adjourned at 3:50 p.m.